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8 **UNITED STATES DISTRICT COURT**

9 EASTERN DISTRICT OF CALIFORNIA

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11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 CHAD STEVEN DUGGINS,
15 Defendant.

Case No. 1:22-mj-00112-SAB-1
ORDER GRANTING MOTION TO
RESTORE COMPETENCY AND
ORDERING DEFENDANT COMMITTED
TO CUSTODY OF ATTORNEY GENERAL
(ECF No. 14)

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17 **I.**

18 **BACKGROUND**

19 On July 7, 2022, a criminal complaint was filed against Chad Steven Duggins
20 (“Defendant”) charging him with building, attending, maintaining, or using a campfire without
21 removing all flammable material from around the campfire to prevent its escape, in violation of
22 36 C.F.R. § 261.5(f). (ECF No. 1.) Defendant was arrested on July 10, 2022, and made an
23 initial appearance on July 11, 2022. (ECF Nos. 5, 6.) A detention hearing was held on July 14,
24 2022, and Defendant was ordered detained. (ECF No. 8.) Status conferences were held on July
25 26, 2022, and August 22, 2022. (ECF Nos. 12, 13.) A further status conference was set for
26 September 7, 2022. (ECF No. 13.)

27 On September 7, 2022, Defendant filed a motion to restore competency, that was heard at
28 the September 7, 2022 status conference. (ECF No. 14.) On September 7, 2022, Jeffrey Spivak

1 appeared on behalf of the Government, and Reed Grantham appeared on behalf of the Defendant,
2 who was present via video.

3 **II.**

4 **DISCUSSION**

5 1. Legal Standards

6 The Insanity Defense Reform Act of 1984, 18 U.S.C. §§ 4241-4248 addresses the mental
7 competency of a defendant. Section 4241 provides that any time after commencement for
8 prosecution of an offense and prior to sentencing, the defendant or counsel for the Government
9 can file a motion for a hearing to determine the defendant's mental competency. 18 U.S.C. §
10 4241(a). The court can order on its own a competency hearing where there is reasonable cause
11 to believe that the defendant may be suffering from a mental disease or defect that renders him
12 mentally incompetent to the extent that he is unable to understand the nature and consequences
13 of the proceedings or to properly assist in his defense. 18 U.S.C. § 4241(a).

14 The statute provides that prior to the hearing, the court may order a psychological
15 examination of the defendant pursuant to section 4247(b) and (c). 18 U.S.C. § 4241(b). For
16 purposes of examination under section 4241 the court may commit the individual for a
17 reasonable examination not to exceed 30 days. 18 U.S.C. § 4247(b). The psychological
18 examination shall be conducted in a suitable facility closest to the court. 18 U.S.C. § 4247(b).
19 The facility can apply for a reasonable extension not to exceed 15 days. 18 U.S.C. § 4247(b).

20 It has long been established that an individual who is mentally incompetent cannot be
21 held to stand for trial. "Failure to follow procedures adequate to protect a defendant's right not
22 to be tried while incompetent violates the defendant's due process rights, and a conviction of a
23 legally incompetent defendant will not stand." 40 Am. Jur. Proof of Facts 2d 171 § 1 (Originally
24 published in 1984). Further, "[c]ompetency of a defendant to stand trial, plead guilty, or be
25 sentenced is jurisdictional and cannot be waived by the defendant." Id.

26 2. The Court Shall Grant Defendant's Motion

27 Defendant's counsel requests the Court commit Defendant to the custody of the Attorney
28 General to hospitalize the Defendant for treatment in a suitable facility, in accordance with 18

1 U.S.C. § 4241(d). (ECF No. 14 at 1.) Defense counsel submits details concerning the
2 interactions with Defendant in preparing for his defense. (Id. at 2.) Defense counsel submits
3 that based on these interactions, Defendant is unable to understand the nature and consequences
4 of the proceedings against him, and unable to properly assist in the defense. (Id.) Following the
5 August 22, 2022 hearing, Defendant was evaluated by Dr. A.A. Howsepian on August 26, 2022,
6 and the Court is in receipt of the Dr.’s report dated August 29, 2022. (Id., Ex. A.) The report
7 was issued after Dr. Howsepian met with Defendant for approximately 2.3 hours, and reviewed
8 documents from this case.

9 At the September 7, 2022 status conference, the Government indicated it did not oppose
10 the motion. Based on the moving papers, the report of Dr. Howsepian, and the non-opposition,
11 the Court finds the motion is appropriately granted. The Court finds a preponderance of the
12 evidence demonstrates Defendant is presently suffering from a mental disease or defect
13 rendering him mentally incompetent to the extent he is unable to understand the consequences of
14 the proceedings against him, or to properly assist in his defense.

15 **III.**

16 **ORDER**

17 Based on the foregoing, IT IS HEREBY ORDERED that, pursuant to 18 U.S.C. §
18 4241(d)(1), Defendant Chad Steven Duggins is to be committed to the custody of the Attorney
19 General, who shall hospitalize him for treatment in a suitable facility for a reasonable period of
20 time in order to determine whether there is a substantial probability that in the foreseeable future
21 he will attain the capacity to permit the proceedings in this action to move forward.

22 IT IS SO ORDERED.

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24 Dated: September 7, 2022



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UNITED STATES MAGISTRATE JUDGE